

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

TORIE DAWN OTT, as next of kin and
administrator and personal representative of
the estate of decedent ALLEN RILEY OTT
(Deceased),

Plaintiff,

v.

CITY OF ATHENS

OFFICER JEREMY BOWMAN, In his
individual and official capacities as an agent of
City of Athens,

OFFICER BEAU SWAFFORD, In his
individual and official capacities as an agent of
City of Athens,

Defendants.

No. _____

NOTICE OF REMOVAL

Defendants City of Athens, Officer Jeremy Bowman and Officer Beau Swafford consent to removal pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1441(c) and 28 U.S.C. §1443 and would show the Court as follows:

The Plaintiff filed her Civil Complaint in the Circuit Court for McMinn County, Tennessee on July 26, 2021, styled *Torie Dawn Ott, as next of kin and administrator and personal representative of the estate of decedent Allen Riley Ott (Deceased) v. City of Athens, Officer Jeremy Bowman, in his individual and official capacities as an agent of City of Athens, and Officer Beau Swafford, in his individual and official capacities as an agent of City of Athens*. The case was assigned docket number 2021-CV-249.

1. This Court has jurisdiction over the above styled cause of action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

2. The United States District Court for the Eastern District of Tennessee at Chattanooga, embracing McMinn County, Tennessee, in which the Circuit Court action is currently pending, is the proper venue for removal of this action.

3. Plaintiff has specifically alleged a violation of the Fourteenth Amendment to the United States Constitution in the Complaint. Thus, Plaintiffs' claims fall under the United States Constitution and 42 U.S.C. § 1983.

4. The pleadings filed with the Circuit Court for McMinn County included with this Notice of Removal are attached hereto as Exhibit A.

5. Written notice of the filing of this Notice of Removal has been filed with the Circuit Court for McMinn County, Tennessee.

6. This Notice of Removal has been filed within thirty (30) days of the service of the Summons and the Complaint on the Defendants alleging federal questions, thereby producing federal question jurisdiction.

7. The Defendants expressly reserve the right to raise all defenses and objections after the action has been removed to this Court.

WHEREFORE, the Defendants, City of Athens, Officer Jeremy Bowman and Officer Beau Swafford, respectfully request that the above captioned cause of action be removed from the Circuit Court for McMinn County, Tennessee, to the United States District Court for the Eastern District of Tennessee at Chattanooga.

RESPECTFULLY submitted this 23rd day of August, 2021.

CITY OF ATHENS, OFFICER JEREMY BOWMAN and
OFFICER BEAU SWAFFORD, in their official capacities

By: /s/Reid A. Spaulding, BPR No. 023363
REID A. SPAULDING, BPR NO. 023363
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OFFICER JEREMY BOWMAN and OFFICER BEAU
SWAFFORD, in their individual capacities

By: /s/Keth H. Grant, BPR No. 023274 w/permission
KEITH H. GRANT, BPR NO. 023274
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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system:

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Dated August 23, 2021.

/s/Reid A. Spaulding, BPR No. 023363
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